

New Jersey  
Department of Personnel  
Code of Ethics

## Introduction

This guide establishes the Code of Ethics for all New Jersey Department of Personnel employees. A Code of Ethics outlines how you, as an employee of the Department of Personnel, should conduct yourself both in and out of the work environment.

The Department of Personnel, as a unit of State Government, exists to serve the public interest. Therefore, all employees must conduct themselves in the course of their duties so as to hold the respect, trust and confidence of the public.

A Code of Ethics identifies technical as well as professional ethics for employees. "Technical Ethics" are those acts specifically forbidden by the New Jersey Conflicts of Interest Law. "Professional Ethics" are ideals to which employees should adhere so that they will be perceived as being both professional and ethical.

The word "perceived" is very important when discussing a Code of Ethics. Whether specific unethical acts are discussed in this guide or not, it is the employee's responsibility to avoid the "perception" that he/she is unethical or acting in an unprofessional manner. An employee shall not knowingly act in a way that might create an impression or suspicion among the public that the employee may be engaged in conduct that violates the public trust. Any activity or association which is, or appears to be, a violation of the public trust must be avoided.

In any situation where an employee or supervisor is not certain what the standard of conduct should be, questions should be directed to the Ethics Liaison Officer in the Division of Appellate Merit System Practices and Labor Relations at (609) 984-7140 or PO Box 312, Trenton, NJ 08625.

## I. Purpose

This Code is adopted in accordance with the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) and applies to all employees of the Department of Personnel.

## II. Definitions

"Code" shall mean this Code of Ethics and any accompanying guidelines.

"Department" shall mean the Department of Personnel.

"Employee" shall mean any person employed by or serving as an officer or special State officer with the Department, including employees of other government agencies working for the Department on loan or mobility assignment. Members of the Merit System Board, the Advisory Boards established pursuant to N.J.S.A. 11A:2-11(m), the Equal Employment Opportunity Advisory Commission and the Employee Awards Committee are considered special State officers. Classification and compensation reviewers, Subject Matters Experts for examinations, Medical Examiners Panel members and Medical Review Panel members are not considered employees or special State officers for purposes of this Code of Ethics.

"Employment" shall mean compensated service. It shall also mean uncompensated service, including service in an appointed or elected capacity in any governmental agency. However, uncompensated service in an appointed or elected capacity in a community, church or social organization that is not related to the work of the Department of Personnel and that, on average, occupies the employee for 10 hours per week or less, need not be considered "employment."

"Ethics Liaison Officer" shall mean the person designated by the Commissioner of Personnel to implement this Code of Ethics.

"Event" shall mean a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function or similar event that takes place away from the employee's work location, is sponsored or co-sponsored by a non-Department of Personnel source and the invitation for which is extended to the employee because of his or her official position.

"Immediate family" shall mean the employee's spouse or domestic partner, child, parent, brother or sister residing in the same household.

"Vendor" shall mean any contractor, subcontractor, consultant, person, firm, corporation or organization doing business for compensation with or seeking to do business for compensation with the Department.

"Interested party" means

1. any person, or employee, representative or agent thereof who is or may reasonably be anticipated to be subject to the regulatory, licensing or oversight authority of the State official's agency; or
2. any vendor, or employee, representative or agent thereof; or
3. any organization, or employee representative or agent thereof, that advocates or represents the positions of its members to the State's official's agency; or
4. any organization a majority of whose members are described in 1 through 3 above.

### III. Areas Covered Under the New Jersey Conflicts of Interest Law

#### A. Use of State Property

Employees shall use the Department's property and funds in accordance with prescribed procedures and not for personal gain or benefit.

1. Use of equipment - The Department operates on an honor system. We ask employees to take personal responsibility for not abusing the equipment assigned to the Department. This includes the use of telephones, fax machines, copiers and computers for personal use.

Employees are generally expected to refrain from the personal use of any such equipment. Where circumstances dictate personal use, it shall be kept to a minimum and employees shall make reimbursement for personal phone calls and incoming or outgoing facsimile use as determined by the Division of Administration.

Department photocopiers generally shall not be used by employees for personal business. If circumstances require personal use on a sporadic basis, no more than 10 pages of copies may be made at any one time. Photocopiers may be used by employees for copying such items as leave requests and health benefits claims.

Department computers are generally intended to be used for Department business. Limited personal use is permitted under the Department Policies on Internet Access and E-mail.

Employees may not use a state vehicle for personal business.

2. Use of supplies - Employees are not to use State supplies, including paper, pens and other similar products for their personal use. In particular, employees are not to remove such items from the building for personal use at home.

There may be limited instances when supplies which are no longer usable at work may be taken home, for example, used computer paper. Letterhead paper and envelopes which are no longer used because of changes may be used by employees for scrap paper only if clearly marked as discarded. Employees should obtain approval from the Division of Administration before taking such supplies.

#### B. Acceptance of gifts

Employees shall not accept any gift, favor, service or item of value under circumstances from which it might reasonably be inferred that the purpose was to influence the employee in the discharge of his/her duties.

1. Employees shall not accept any gift, favor, service, or item of value from a vendor who provides goods or services to the Department, or from an interested party. Employees may accept a promotional item of minimal value, such as an imprinted coffee mug, but only if the item is also

offered to persons other than State employees. However, an employee shall not accept any item, including a promotional item, from any entity being audited by that employee.

2. When an employee purchases goods or services from a vendor for personal use, the employee may accept the discount for State purposes only if such discount is generally offered to the public.
3. Instructors at the Human Resource Development Institute shall not accept gifts from members of a class.
4. Employees shall not accept meals provided under circumstances from which it might reasonably be inferred that the purpose was to influence the discharge of their duties. This includes meals provided by an "interested party" as defined above. Examples may include lunch with an individual being audited, or a dinner provided by an employee organization. In such circumstances the employee must pay the cost of the meal. Employees may accept meals from entities not regulated by the Department, in facilities where meals are provided free of charge to everyone at the site.
5. Employees shall not accept "safe driver" or similar cards which are distributed by police organizations to individuals or groups of employees in their capacity as state employees.
6. Gifts to retirees shall be limited by either of two alternate methods: (a) gifts may be funded by a maximum contribution of \$5.00 per person, collected from invitees to a retirement function. If this method of funding is used, no maximum value is set for the cost of the gifts, but contributions of more than \$5.00 per invitee are not permitted; or (b) the maximum value of retirements gifts cannot exceed \$1,000. If this method is used, there is no maximum set on the individual contributions, but the total value of retirement gifts and/or monetary tokens to the retiree, spouse and dependent(s) cannot exceed \$1,000.
7. Employees may not accept an "honorarium" or expenses for attendance at an event sponsored by a vendor or interested party. Employees may accept such benefits in connection with an event sponsored by an entity (such as a community non-profit organization) which is not a vendor and which does not do business with the Department, but only with prior written approval by the Commissioner. To obtain approval, the employee must file a Request for Approval for Attendance at Event with the Ethics Liaison Officer.

#### C. Attendance at Events and Functions

1. Employees of the Department shall not attend any event sponsored by a vendor or interested party under circumstances from which it might reasonably be inferred that the purpose was to influence the employee in the discharge of his or her duties. Employees may attend an event sponsored by a vendor or interested party when a legitimate Department purpose will be served by attendance. In order to attend an event sponsored by a vendor or interested party, prior written approval by the Commissioner or designee is required. To obtain approval, the employee must file a Request for Approval for Attendance at Event with the Ethics Liaison Officer.
2. Employees may accept a meal at an event sponsored by an interested party if the event is designed to provide training, dissemination of information, or the exchange of ideas; the employee

is making a speech, is participating in a panel at the event or is an accompanying resource person for the speaker and/or participant; and the meal is also being provided to all other speakers or panel participants. If all of the foregoing criteria are not met, the meal must be paid for by the employee or the appointing authority.

3. Employees may, at any event, accept nominal refreshments such as nonalcoholic beverages and snacks such as doughnuts, pastries and cookies.

#### D. Misuse of Official Position

1. Employees shall not use their positions with the Department to secure privileges or advantages for themselves or others.

2. Employees, whether during State service or after separation from State service, shall not disclose to any unauthorized person any information which is not available to the public.

#### E. Outside Employment and Activities

1. Employees who seek to have outside employment or business activities must have prior written approval by the Commissioner or designee. To obtain approval, the employee must file an Outside Employment or Business Request Form (DPF-262) with the Ethics Liaison Officer. This request must be updated and reviewed by the Ethics Liaison Officer annually, who will provide copies of all outside employment forms to the Executive Commission on Ethical Standards. See also (III H 7) for licensed occupations.

2. Employees shall not accept any employment or render any service, whether compensated or not, which conflicts with the performance of their duties.

3. Employees shall not accept compensation for published works created as part of their official duties on Department time utilizing Department resources. Employees may accept compensation for published works not created as part of their official duties, provided compensation is not from a vendor or interested party, the work does not use or disclose information not generally available to the public, the work is prepared on the employee's own time without using the services of other employees or Department resources, and the work includes a statement that the employee's views do not represent those of the Department. Approval must be obtained prior to submission of the work to be published through an Outside Employment or Business Request Form.

#### F. Post Employment Restrictions

1. Employees are prohibited, after leaving State service, from taking any action, or providing information not generally available to the public, in any matter with which they were involved while employed by the Department.

#### G. Casino - Related Restrictions

1. Employees who are subject to financial disclosure by law or executive order may not hold any employment with or own or control more than 1% of outstanding shares of stock in any casino license holder or applicant for a casino license. Other employees may hold such employment or own or control outstanding shares of stock as described if, in the judgment of the Executive Commission on Ethical Standards, such employment or ownership will not interfere with the responsibilities of the employees and will not create a conflict of interest, or create a reasonable risk that the public will perceive a conflict of interest.

2. Employees subject to financial disclosure by law or executive order shall not hold any interest in or employment with any casino license holder or applicant for a casino license for a period of two years following separation from State service.

#### H. Conflict of Interest

1. Employees shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of their duties in the public interest.

2. Employees shall not act in their official capacity on any matter in which they have a direct or indirect personal or financial interest that might reasonably be expected to impair their objectivity.

3. Employees shall not undertake or execute any contract, agreement, sale or purchase valued at \$25 or more which is entered into, awarded, or granted by any State agency, except as noted in (H8) below.

4. Employees and their immediate families shall not act on behalf of a State agency for a transaction of any business with themselves or with an entity in which they own or control more than 1% of the stock.

5. No employee, nor any entity in which he/she has an interest, shall represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any matter pending before the Department or any other State agency except in those instances set forth at N.J.S.A. 52:13D-16(c). In the case of a special State officer, this restriction applies only to a matter pending before the body on which the officer serves. For example, a member of the Employee Awards Committee shall not represent a person seeking a Suggestion Award.

6. No employee, nor any entity in which an employee or an employee's immediate family has an interest, shall represent any party in connection with any matter pending before the Department. In the case of a special State officer, this restriction applies only to a matter pending before the body on which the officer serves.

7. Employees shall not engage in a business, profession, trade, or occupation licensed by the State without promptly disclosing that activity in writing to the Ethics Liaison Officer and the Executive Commission on Ethical Standards. (See also III E1 for outside employment)

8. Employees having the prior approval of the Executive Commission on Ethical Standards are permitted to enter into purchases, contracts, agreements or sales with any State agency which are made or let after public notice and competitive bidding, or which may be made or let without public advertising or bids pursuant to N.J.S.A. 52:34-10.

9. No employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as an employee.

#### IV. Professional Ethics

In addition to the technical requirements of the New Jersey Conflict of Interest Law, we, as employees of the Department of Personnel must conduct ourselves, and have the right to expect our co-workers to conduct themselves, in a manner which serves the public interest and demonstrates personal integrity. The following categories of actions demonstrate our commitment to this concept.

##### A. Access to Information

1. Employees may not divulge information to any person who would not have access to such information in the course of their official duties. It is the responsibility of the employee to find out whether the information requested is public information (which must be released on appropriate request) or whether the information is confidential. Confidential information includes such things as:

- Providing information on examination questions to applicants.
- Providing personnel information on any employee to any other employee who does not need such information to perform his or her assigned job duties.
- Releasing test results prior to the issue date.

2. Employees may not use information they obtain in the course of doing their job for unauthorized purposes.

##### B. Theft of Service

1. This is an extremely serious violation which takes place when an employee deprives the State of a service to which it is entitled. The most common example is the employee who is paid to work for a full day, but does not work at all or only works a portion of the day. Excessive time spent on personal phone calls, even if there is no cost to the Department for the calls or the employee reimburses the cost, is considered theft of service.

### C. Conflict of Interest

1. Supervision of family members - Employees are expected to avoid any conflict of interest or the appearance of conflict of interest in performing their duties. Direct supervision of a family member, even if not an immediate family member, may give the appearance of favoritism, and is therefore prohibited.

Similarly, employees may not hire or arrange to have hired, a relative for work such as examination monitoring.

### V. Reporting Code Violations

If you witness any behavior that may violate this Professional Code of Ethics, it is your duty as an employee of the Department of Personnel to report this information to the Ethics Liaison Officer of the Department of Personnel in the Division of Appellate Practices and Labor Relations. You have the right to discuss your report in confidence with the Ethics Liaison Officer. The Ethics Liaison Officer will, on the basis of your account, determine a course of action to best enforce the Department's Code of Ethics.

Employees who report violations of the Code of Ethics are protected under the Conscientious Employee Protection Act (also known as the "Whistleblower Act"). Specific questions regarding the protection available under this Act should be addressed to the Ethics Liaison Officer.